

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 19 MAY 2005

To:

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

11-05-2005

Applicant's or agent's file reference

P4122PC00

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/SE2005/000053

International filing date (day/month/year)

19.01.2005

Priority date (day/month/year)

21.01.2004

International Patent Classification (IPC) or both national classification and IPC

G06F 1/00, G06F 17/30

Applicant

Quibus International AB et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/SE

Patent- och registreringsverket

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Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/SE2005/000053

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language, \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims	---	NO
Inventive step (IS)	Claims	---	YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims	---	NO

2. Citations and explanations:

The application is concerned with a problem that files that are distributed by disturbance servers, for the purpose of preventing illegal file distribution, can be filtered out by the file distribution applications.

Documents cited in the International Search Report:

D1. US 2002082999 A1  
D2. WO 0153965 A1  
D3. US 2003078889 A1

D1, which is considered to represent the most relevant state of the art, discloses a method for preventing illegal file distribution on the Internet. According to D1 corrupted music files are distributed to the computers that are involved in illegal file distribution (see abstract, paragraph [0040] and paragraph [0052]).

D2 discloses a method for constructing spam filters. It is described in D2 how "spammers" can avoid spam filters by using a large number of different addresses which addresses belong to a large domain (see page 1, line 26 - page 2, line 5).

D3 is a background art document and is not considered to be of particular relevance.

.../...

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient,  
Continuation of: BOX V

Claims 1 and 10:

The independent claims differ from D1 in that the IP addresses which are used by the disturbance servers lack a mutual order and in that the set of IP addresses is substantially larger than the number of selected IP addresses. Another difference is that the claimed invention uses a large number of computers, each computer containing a large number of network clients, for distributing the corrupted files.

The person skilled in the art realises the problem that file distribution applications can filter out files (based on IP addresses) which originates from disturbance servers. The person skilled in the art would therefore include a method for avoiding filters in the system in D1. Since it is well known to use multiple (unrelated) IP addresses for avoiding addressed based spam filters (shown for example by D2) it is obvious to the skilled person to use such a solution in the system in D1 and thereby arrive at the claimed invention.

Using multiple disturbance servers, and possible several clients in each computer, is considered as obvious to the skilled person.

According to the discussion above the invention according to the independent claims 1 and 10 is novel but is considered to lack an inventive step.

Claims 2-9:

These claims are considered to disclose only minor details which are obvious to the skilled person. Thus, the invention according to claims 2-9 is novel but is considered to lack an inventive step.